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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,930	09/14/2000	Don Stephan	10512.103US01	1161
23552	7590	10/18/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			NGUYEN, KIM T	
		ART UNIT		PAPER NUMBER
		3713		(13)
DATE MAILED: 10/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,930

Applicant(s)

STEPHAN, DON
CR

Examiner

Kim Nguyen

Art Unit

3713

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 January 2002.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-32 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

The response filed on January 23, 2002 has been received and considered. By the response, claims 1-32 are pending in the application.

Specification

1. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.

Claim Objections

2. Claims 20-21 are objected to because of the following informalities:

In claims 20-21, line 2, the repeated phrase "on support rails" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) Claim 15, line 4, the claimed limitation "determiner awarding winning" is unclear. Does the limitation mean "the determiner determines winning awards for selected play" or "the determiner distributes award winning to the player"?
- b) Claim 23, lines 1-2, the claimed limitation "a plurality of modules" is ambiguous. What are the modules? Are they the displays or the input buttons?
- c) Claims 16-22 and 24-26 are rejected as being dependent on the rejected base claim.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 15-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
- a) In claim 15, line 3, the claimed limitation "a computer control actuator" is not disclosed in the specification or in the drawings. For further examining purpose, the computer control actuator is guessed as input buttons. Further, note that the input buttons should be controlled by a user rather than being controlled by a computer.
 - b) Claim 15, line 4, the claimed limitation "a computer controlled determiner" is not disclosed in the specification or in the drawings.
 - c) Claim 15, line 5, the claimed limitation "crediting winnings" is not disclosed in the specification.

- d) Claim 23, lines 1-2, the limitation "a plurality of modules" is not disclosed in the specification.
- e) Claim 26, lines 1-2, the limitation "gaming device controls" is not disclosed in the specification.
what is the "gaming device controls"? For further examining purpose, the gaming device controls is guessed as the input buttons.
- f) Claims 16-22, and 24-25 are being rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 15-16, 19, 23, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hedrick et al (US. Patent No. 6,135,884).

a. As per claim 15-16 and 26, Hedrick discloses a gaming apparatus which comprises: a payment receiver (col. 6, lines 19-21); an actuator (col. 6, lines 6-8); an award winning determiner (col. 18, lines 44-67; col. 19, lines 1-2); a distributor for paying winnings (col. 6, lines 21-23; and col. 18, lines 12-67); a plurality of displays vertically connected in serial configuration (Fig. 2; col. 5, lines 45-67; col. 6, lines 1-5; and col. 24, lines 5-7).

b. As per claim 19, Hedrick discloses video screens (col. 5, lines 45-46; col. 6, lines 1-5; and col. 18, lines 64-67).

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- c. As per claim 23, Hedrick discloses side by side modules 313, 315 and 317 (Fig. 3d).
- c. As per claim 27, Hedrick discloses a plurality of video displays 220 and 221 (Fig. 2) mounted to an upper portion of the game housing.
- d. As per claim 28, refer to discussion in claim 19 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-14, 17-18, 20-22, 24-25 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al (US. Patent No. 6,135,884).

- a. As per claim 1, Hedrick discloses an electronic gaming system which comprises: a programmable computing system within a computer enclosure 623 (Fig. 6); a player wager and prize unit (col. 6, lines 19-25); two or more display devices 220 and 221 (Fig. 2). Hedrick does not explicitly disclose a pair of vertical support members. However, Hedrick discloses a support structure 323 (Fig. 3d) on which a display screen is mounted (Fig. 3d). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the support structure of Hedrick with the vertical support members in order to reduce support materials. Hedrick does not explicitly disclose that the wager and prize unit is separated from the computer enclosure. However, separating unit from an apparatus and electronically connect the

unit to the apparatus would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to separate the wager and prize unit from the computer enclosure, since separating or rearranging a part from an apparatus requires only routine skill in the art.

b. As per claim 2-14, the limitations set forth in claims 2-14 would have been a well known inside structure of a video-based electronic game system of the independent claim 1. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the well known internal structure of claims 2-14 to the video game device of Hedrick in order to provide a video game system which accepts wager, distributes prize, and displays game results.

c. As per claim 17, Hedrick does not explicitly disclose a plurality of displays facing forward and above the gaming device. However, Hedrick discloses arranging the displays on top of the gaming device (Fig. 1); and further arranging the displays appropriate angles (col. 24, lines 7-11), it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the displays on top of the game machine at a slant angle such that the displays face toward a center point in order to prevent light reflection and facilitating the user to read information on the displays above the user.

d. As per claim 18, Hedrick discloses a plurality of displays (Fig. 2; col. 5, lines 45-67 and col. 6, lines 1-5). It would have been obvious to a person of ordinary skill in the art at the time

the invention was made to include at least three displays to the game apparatus of Hedrick, since duplicating the same devices requires only routine skill in the art.

e. As per claim 20-22 and 24, Hedrick discloses a support structure 323 (Fig. 3d) on which a display screen is mounted (Fig. 3d). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the support structure of Hedrick with the vertical support rails in order to reduce support materials. Further, as to claim 22, Hedrick discloses arranging displays at an angle between horizontal and vertical (col. 24, lines 7-11); and suggests an arc support structure 14 (Fig. 1). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide arc rails in order to facility the user to read information on the displays that are above the user.

d. As per claim 25, displaying portion of a large image in each display to form a continuous image would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the plurality of displays of Hedrick to display a section of a large image on each display in order to provide the player a complete image, which is too large to display on one screen.

e. As per claim 29-32, refer to discussion in claims 17-18, 22 and 24 above.

Response to Arguments

11. Applicant's arguments filed January 23, 2002 have been fully considered but they are not persuasive.

- a) In response to applicant's argument in page 2, first paragraph, on claim 15, in col. 18, lines 12-67, Hedrick discloses CPUs capable of determining winning and paying out a prize, and in col. 6, lines 21-23, Hedrick discloses a distributor for distributing the payment according to the determined payout of the CPU, the combination of the CPU and the distributor read on the claimed "a computer controlled distributor".
- b) In response to applicant's argument in page 2, last paragraph, on claim 27, Hedrick does teach video display screen 219 (Fig. 2) (col. 5, lines 56-57) and a main video display 220 (Fig. 2) (col. 5, lines 45-47). According to Fig. 2, the two video displays 219 and 220 are connected adjacent along upper edge of the main display 220 and lower edge of the video display screen 219.
- c) In response to applicant's argument in page 3, last paragraph, on claim 1, in col. 7, lines 49-57, Hedrick discloses outputting sound in conjunction with video image.
- d) In response to applicant's argument in page 4, first two paragraphs, Hedrick discloses a support structure 323 (Fig. 3d). According to Fig. 3d, the rectangular structure clearly includes two vertical supports and two horizontal supports, the supports made up the length and width of the rectangular structure.
- e) In response to applicant's argument in page 4, last two paragraphs, and page 5, that there is no suggestion to modify the teaching of Hedrick, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for the modification is on the knowledge generally available to one of ordinary skill in the art.

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA
Second Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn

Date: October 14, 2004



KIM NGUYEN
PRIMARY EXAMINER